

1 LOUIS M. BUBALA III, ESQ.
2 State Bar No.: 8974
3 ARMSTRONG TEASDALE LLP
4 50 W. Liberty St., Ste. 950
5 Reno, NV 89501
6 Telephone: 775.322.7400
7 Fax: 775.322.9049
8 Email: lbubala@armstrongteasdale.com
9 and bsalinas@armstrongteasdale.com

10 *Attorneys for Plaintiff*

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 BRANCH BANKING & TRUST CO.,) Case No.: 3:12-cv-00279-MMD-VPC
14 Plaintiff,)
15 vs.)
16 BIG STUFF STORAGE LLC; MARY C.) **SECOND DECLARATION OF LOUIS M.**
17 MILLER; JOHN A. SCHOPF, JR.; WENDY) **BUBALA III IN SUPPORT OF**
18 AUSLEN SCHOPF; and CITY OF RENO,) **EMERGENCY MOTION AND**
19 Defendants.) **PROPOSED ORDER FOR**
20) **TEMPORARY RESTRAINING ORDER,**
21) **PRELIMINARY INJUNCTION AND**
22) **APPOINTMENT OF A RECEIVER**

23 I, Louis M. Bubala III, declare as follows:

24 1. My law firm is counsel to Plaintiff Branch Banking & Trust Co. ("BB&T") in this case
25 and the related bankruptcy case, *In re Big Stuff Storage LLC*, Case No. BK-N-10-50471-GWZ
26 (Bankr. D. Nev.). I am a partner in the firm and have been lead counsel on this matter since 2010. I
27 have been a member of the Nevada State Bar since 2004, admitted to practice before the federal
28 courts of Nevada since 2005, and been in good standing at all times.

29 2. I emailed copies of the complaint, motion, Bubala declaration, Evans declaration, and
30 exhibits between 6:45 p.m. and 7:00 p.m., Thursday, May 24, 2012, to the following people:
31
32 a. Big Stuff managing member Alan Huber, ajhuber@charter.net.
33 b. Big Stuff member Mark Huber, mark@markhuber.com.
34 c. Big Stuff bankruptcy counsel John Gezelin, jgezelin@asmithlaw.com, and Alan R.
35 Smith, mail@asmithlaw.com. I also personally provided Mr. Gezelin with
36 hard copies of the filings at 9:15 a.m., May 25, 2012.
37 d. Wayne Snyder, president/treasurer/registered agent for Z Serving, Inc., the
38

1 servicing agent for the debt owed to the Schopf/Miller defendants,
2 wayne@zlai.com. He orally confirmed to me receipt of the emails.

3 e. Susan Ball Rothe, deputy city attorney for City of Reno, rothes@reno.gov. She
4 confirmed to me receipt of the emails.

5 f. Christina Lovato, Ch. 7 bankruptcy trustee for Big Stuff, trusteelovato@att.net.
6 She confirmed to me receipt of the emails.

7 3. On May 24-25, 2012, I received consents to the appointment of a receiver from:

8 a. Big Stuff, from Mr. Gezelin. Written confirmation is attached as Exhibit 1.

9 b. The City of Reno, from Ms. Rothe. Written confirmation is attached as Exhibit 2.

10 c. The Schopf/Miller defendants, from Mr. Snyder. Mr. Snyder and I spoke on the
11 phone on May 25, 2012, and he reconfirmed his pre-litigation consent to the
12 appointment of a receiver.

13 d. Trustee Lovato. Written confirmation is attached as Exhibit 2.

14 4. The Clerk of the Court issued the summons earlier this morning, and I am in the process of
15 arranging official service.

16 5. As a clerical matter, there were duplicative exhibits filed in error with the motion (Ct. Dkt.
17 #2). The documents contained labeled Exhibit #1, Part 2 (Ct. Dkt. #2-2) are duplicative of the
18 duplicative of the documents contained in Exhibit #1, which lacks an exhibit sheet (Ct. Dkt. #2-1).
19 Counsel apologizes for the error.

20 I declare under penalty of perjury that the foregoing is true and correct.

21 Executed on this 25th day of May, 2012.

23 /s/Louis M. Bubala III

24 LOUIS M. BUBALA III

EXHIBIT 1

EXHIBIT 1

Louis M. Bubala

From: John Gezelin [gezelin@asmithlaw.com]
Sent: Friday, May 25, 2012 10:38 AM
To: Louis M. Bubala
Subject: RE: Big Stuff, receivership [IWOV-IDOCS.FID1860400]

Lou,

Your understanding is correct. You are authorized to advise the court of our consent. John

From: Louis M. Bubala [mailto:LBubala@ArmstrongTeasdale.com]
Sent: Friday, May 25, 2012 9:58 AM
To: 'Gezelin, John J.'
Subject: Big Stuff, receivership [IWOV-IDOCS.FID1860400]

John, this will confirm our conversation from your visit to my office this morning that Big Stuff consents to the appointment of a receiver. Please let me know if I have misunderstood. I will be advising the court of the consent.



Armstrong Teasdale LLP

Louis M. Bubala III | Partner

50 West Liberty, Suite 950, Reno, Nevada 89501

DIRECT: 775-784-3212 | FAX: 775-322-9049 | MAIN OFFICE: 775.322.7400 | CELL: 775-223-7641

lbubala@armstrongteasdale.com

www.armstrongteasdale.com

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EXHIBIT 2

EXHIBIT 2

Louis M. Bubala

From: Susan Rothe [rothes@reno.gov]
Sent: Friday, May 25, 2012 8:24 AM
To: Louis M. Bubala
Cc: 'shipmanj@reno.gov'
Subject: RE: BB&T v. Big Stuff Storage LLC [IWOV-IDOCS.FID1860400]

Lou,
You have to serve the City in accordance with State Law. However, as I indicated in our phone conference we do not object to this action. I am out of the office next week so if you need anything on this please deal with Jon Shipman. Thanks.
Susan

This message is for exclusive use of addressee and contains confidential, privileged and nondisclosable information. If you are not the addressee, then recipient is prohibited from reading or using the message. If you have received this message by mistake, please call immediately and permanently delete this e-mail and any attached files. If you are not the intended recipient or person responsible for delivering this confidential communication to the intended recipient, review, use, dissemination, forwarding, printing, copying, or other distribution of this e-mail message and any attached files is strictly prohibited.

Susan Ball Rothe
Deputy City Attorney
City of Reno
1 East First Street, 3rd Floor
P.O. Box 1900
Reno, Nevada 89505
(775) 334-2050
FAX (775) 334-2420

From: Louis M. Bubala [mailto:LBubala@ArmstrongTeasdale.com]
Sent: Thursday, May 24, 2012 6:59 PM
To: 'mail@asmithlaw.com'; 'Gezelin, John J.'; 'ajhuber@charter.net'; 'mark@markhuber.com'; 'wayne@zlai.com'; 'rothes@reno.gov'; 'Lovato, Christina'
Cc: Barbara J. Salinas
Subject: RE: BB&T v. Big Stuff Storage LLC [IWOV-IDOCS.FID1860400]

I have now emailed the filed documents. If you did not receive them, please let me know.



Armstrong Teasdale LLP
Louis M. Bubala III | Partner
DIRECT: 775-784-3212 | FAX: 775-322-9049 | MAIN OFFICE: 775.322.7400 | CELL: 775-223-7641

From: Louis M. Bubala [mailto:LBubala@ArmstrongTeasdale.com]
Sent: Thursday, May 24, 2012 6:49 PM
To: 'mail@asmithlaw.com'; 'Gezelin, John J.'; 'ajhuber@charter.net'; 'mark@markhuber.com'; 'wayne@zlai.com'; 'rothes@reno.gov'; 'Lovato, Christina'

Cc: Barbara J. Salinas

Subject: BB&T v. Big Stuff Storage LLC [IWOV-IDOCS.FID1860400]

All: I am emailing you to notify you that I filed my complaint and motion today seeking the appointment of a receiver to manage the property as of June 1, 2012, based on the trustee's abandonment of the property after May 31, 2012. The documents and exhibits are somewhat lengthy, so I am sending them in separate emails. If you consent or do not oppose the appointment of a receiver, and can email me to confirm your position, I would greatly appreciate it.

Thank you,

Lou
Counsel for Plaintiff
Branch Banking & Trust Co.



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lbubala@armstrongteasdale.com

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Susan Ball Rothe
Deputy City Attorney
City of Reno
1 East First Street, 3rd Floor
P.O. Box 1900
Reno, Nevada 89505

(775) 334-2050
FAX (775) 334-2420

EXHIBIT 3

EXHIBIT 3

Louis M. Bubala

From: Christina Lovato [TrusteeLovato@att.net]
Sent: Thursday, May 24, 2012 7:35 PM
To: Louis M. Bubala
Subject: RE: BB&T v. Big Stuff Storage LLC [IWOV-IDOCS.FID1860400]

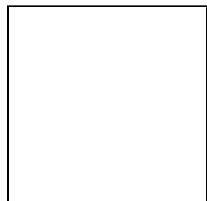
I consent

From: Louis M. Bubala [mailto:LBubala@ArmstrongTeasdale.com]
Sent: Thursday, May 24, 2012 6:49 PM
To: mail@asmithlaw.com; 'Gezelin, John J.'; ajhuber@charter.net; mark@markhuber.com; wayne@zlai.com; rothes@reno.gov; Lovato, Christina
Cc: Barbara J. Salinas
Subject: BB&T v. Big Stuff Storage LLC [IWOV-IDOCS.FID1860400]

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Thank you,

Lou
Counsel for Plaintiff
Branch Banking & Trust Co.



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lbubala@armstrongteasdale.com
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